

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, May 11, 2009 at 7:00 p.m.
ATTENDANCE	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia. L. Worden, Acting City Clerk.
CONSENT AGENDA	Belt and Bates moved and seconded the approval of the consent agenda. Unanimous. Motion by Walsh second by Belt amending the agenda to include approval of the agenda and the April 27, 2009 City Council minutes. Unanimous.
PROCLAMATION	Mayor Hanafan read a Proclamation regarding " <i>National Public Works Week</i> " and mentioned the Public Works garage is in the process of moving to their new facility and will be back to work on Wednesday. Hanafan also noted the snow removal cost difference between the last two years was only \$100.00.
PUBLIC HEARINGS Ordinance 6030 Ordinance 6031 Ordinance 6032	Held Public Hearing regarding Ordinance 6030, amending Chapter 15.03 "Definitions" by adding a new Section 15.03.685 "Wind Energy Conversion System (WECS); Ordinance 6031, amending Chapters 15.05, 15.08A, 15.09, 15.10, 15.20, 15.21 and 15.22 to include "Wind Energy Conversion System" (WECS) as a conditional use; Ordinance 6032, amending Chapter 15.24 "Supplemental Use and Site Development Regulations" by adding a new Section 15.24.085, "Wind Energy Conversion System (WECS) regulations and minimum standards". Schultz and Bates moved and seconded postponement of Ordinances 6030, 6031 and 6032 until May 26, 2009 at 7:00 p.m. Unanimous.
Resolution 09-131	Held Public Hearing regarding Resolution 09-131, approving the Plans, Specifications, Form of Contract and Cost Estimate for the 29 th Avenue Storm Water Pump Station Rehab., FY09-05D. Branigan and Walsh moved and seconded approval of Resolution 09-131. Unanimous.
Resolution 09-132	Held Public Hearing regarding Resolution 09-132, approving the Plans, Specifications, Form of Contract and Cost Estimate for the 16 th Street Sanitary Sewer Pipe Rehab., FY10-08. Branigan and Belt moved and seconded approval of Resolution 09-132. Unanimous.
Resolution 09-146	Held Public Hearing regarding Resolution 09-146, Community Development/Planning Commission recommendation denying disposal of the east north/south alley in Block 57, Railroad Addition. Belt and Branigan moved and concurred with the Community Development Department/Planning Commission recommendation to deny. Unanimous.
Resolution 09-147	Held Public Hearing regarding Resolution 09-147, instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$5,500,000 Sewer Revenue Capital Loan Notes. Belt and Walsh moved and seconded approval of Resolution 09-147. Unanimous.
Resolution 09-148	Held Public Hearing regarding Resolution 09-148, approving and authorizing a Form of Interim Loan and Disbursement Agreement by and between the City of Council Bluffs and the Iowa Finance Authority and authorizing and providing for the issuance and securing the payment of \$323,000 Sewer Revenue Capital Loan Note Anticipation Project Note, Series 2009, of the City of Council Bluffs, Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of said note and including the Transcript Certificate and Delivery Certificate. Belt and Schultz moved and seconded approval of Resolution 09-148. Unanimous.

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- Resolution 09-149 Held Public Hearing regarding Resolution 09-149, authorizing and accepting the successful bid for the issuance of General Obligation Capital Loan Notes, Series 2009B, for the issuance of General Obligation Bonds, in an approximate amount not to exceed \$7,150,000. Belt and Walsh moved and second approval of Resolution 09-149. Unanimous. Motion by Belt second by Walsh to amend the Resolution changing the amount to, not to exceed \$7,165,000 and award bid to Northland Securities Inc. Unanimous.
- Resolution 09-141 Council Member Walsh noted the government rebates interest which will be a cost savings of \$155,000 to the City of Council Bluffs tax payers; Walsh thanked Art Hill, Finance Director for all his hard work.
- Resolution 09-141 Held Public Hearing regarding Resolution 09-141, authorizing the Mayor to sign an Interlocal Agreement between the City of Council Bluffs and Pottawattamie County with regard to the Bryne Justice Assistance Grant Program Award. Branigan and Belt moved and seconded approval of Resolution 09-141. Unanimous.
- ORDINANCE ON
SECOND READING**
Ordinance 6034 Walsh and Branigan moved and seconded approval of Ordinance 6034, amending Chapter 8.44 "Property Damage" by repealing Section 8.44.044 "Public Parks – Prohibited Acts" and enacting a new Section 8.44.044 "Public Parks – Prohibited Acts", to prohibit the sale of merchandise or services within City parks and on City recreation trails without prior written authorization. Unanimous. Motion by Walsh second by Branigan to waive third reading, Ordinance 6034 passes into law. Unanimous.
- RESOLUTIONS**
Resolution 09-133 Branigan and Walsh moved and seconded approval of Resolution 09-133, accepting the work of Eriksen Construction Company, Inc. in connection with the US275/Missouri River Stormwater Pump Station and authorizing the Finance Director to issue a City check in the amount of \$6,575.00, FY07-04C. Unanimous.
- Resolution 09-134 Belt and Bates moved and seconded approval of Resolution 09-134, authorizing the Mayor and City Clerk to execute an agreement with R.D. Blue Construction, Inc. for the South 13th Street Improvements – Phase IV, FY10-05A. Unanimous.
- Resolution 09-135 Branigan and Belt moved and seconded approval of Resolution 09-135, imposing penalties against Caliente Enterprises, LLC, d/b/a Mario's Bar & Laundry, for violation of Council Bluffs Municipal Code, Chapter 3.08.190(2) for selling or dispensing an alcoholic beverage or beer on the premises covered by the license or permit or permitting its consumption thereon between the hours of two a.m. and six a.m. Unanimous.
- Resolution 09-136 Branigan and Belt moved and seconded approval of Resolution 09-136, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Walgreen's #4405, 2508 West Broadway, for a violation of the State's tobacco laws. Unanimous.
- Resolution 09-137 Belt and Bates moved and seconded approval of Resolution 09-137, authorizing the Mayor and City Clerk to execute an agreement with Leazenby Construction, Inc. for the 31st Street Improvements – Phase III (Avenue A to Avenue D) FY10-05B. Unanimous.
- Resolution 09-138 Belt and Branigan moved and seconded approval of Resolution 09-138, authorizing the Mayor to execute an Offer to Buy two properties owned by Sheila A. Melanson/Gonzales, legally described as Lots 12 and 13, Block 58, Riddles Subdivision. Unanimous.
- Resolution 09-139 Branigan and Belt moved and seconded approval of Resolution 09-139, authorizing the Mayor to sign and submit a grant to the U.S. Department of Energy to be considered for the Energy Efficiency and Conservation Program. Unanimous.

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Resolution 09-140 Branigan and Walsh moved and seconded approval of Resolution 09-140, authorizing changes to be made to Staffing Levels of the City. Unanimous.

Resolution 09-142 Walsh and Belt moved and seconded approval of Resolution 09-142 authorizing and
Resolution 09-143 setting the annual assessment for the West Lewis Levee Drainage District;
Resolution 09-144 Resolution 09-143, authorizing and setting the annual assessment for the Mosquito
Creek Levee Drainage District; Resolution 09-144, authorizing and setting the annual
assessment for the Sieck Levee Drainage District. Unanimous.

Resolution 09-145 Belt and Walsh moved and seconded approval of Resolution 09-145, authorizing and
directing the Mayor and City Clerk to execute an agreement with Honey Creek
Resources, Inc., for professional services related to the EECS Strategy Plan
Preparation and to apply to the U.S. Department of Energy for a grant through its
Energy Efficiency and Conservation Block Grant Program. Unanimous.

RECEIVE & FILE ITEMS

Walsh and Branigan moved and seconded approval of Receive and File Item 7A.
One (1) Notice of Claim. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Walsh and Branigan moved and seconded approval of Liquor/Beer License Permit
Applications regarding Item 8A(4). T'z, 128 West Broadway. VOICE VOTE: 4 Aye;
Nay (Schultz). Motion by Walsh, second by Branigan to approval of Liquor/Beer
Permit Applications for Items 8A(1,2, 3); 8B(1). Special Event Liquor Application for
a Mid-America Center Concert "Disturbed", May 15, 2009 and 8C(1) Special Event
Application for Google, 1430 Veterans Memorial Highway, Ribbon Cutting/Grand
Opening Celebration, May 19, 2009 (4 – 7 p.m.). Unanimous.

CITIZENS REQUEST TO BE HEARD

Heard from Jennifer Giles, 227 North 1st Street, regarding a "meth" problem in
Council Bluffs; Hanafan indicated the Police Chief would be glad to speak with her
after the City Council meeting.

Heard from Danny Starr, 316 Elliott Street, regarding the parking situation
surrounding Bethany Lutheran Home.

Council Member Branigan noted the Blue Amusements Carnival starts Thursday; at
10:20 a.m. on Saturday, the residents of Council Bluffs will attempt to break the
Guinness Book of World Records for doing the Hokey Pokey in honor of the 30th
Anniversary of the parade.

Council Member Walsh reminded everyone of Clean Sweep, where residents gather
to pick up trash around Council Bluffs; meet at Bayliss Park at 5:30 p.m.

Wash also noted the next City Council meeting will be held on Tuesday, May 26th due
to the Memorial Day Holiday.

OTHER BUISNESS

Walsh and Schultz moved and seconded to postpone a Resolution regarding
Southtowne Subdivision to May 26, 2009 at 7:00 p.m. and originally postponed from
the October 26, 2009 City Council meeting. Unanimous. Walsh indicated this item
refers to a proposed commercial subdivision.

ADJOURNMENT

Branigan and Schultz moved and seconded adjournment at 7:34 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the
City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council
meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Acting City Clerk